

United States District Court

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL DIVISION

VENUE: SAN FRANCISCO

FILED
2:50 PM
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR

06 v.

0538

SI

DWIGHT GILCHRIST.

DEFENDANT.

INDICTMENT

18 U.S.C. § 1344(1) and (2) - Bank Fraud;
18 U.S.C. § 656 Embezzlement

A true bill.

[Signature]

Foreman

Filed in open court this 1st day of

August 2006

[Signature]

KAREN L. HONK

JOSEPH C. SPERO

UNITED STATES MAGISTRATE JUDGE

Bail, \$

no bail amount wanted

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. Sec. 1344(1) & (2) -- Bank Fraud
 18 U.S.C. Sec. 656 -- Embezzlement

☐ Petty
☐ Minor
☐ Misdemeanor
☐ Felony
PENALTY:
 max. penalty for both charges: 30 years imprisonment;
 \$1,000,000 fine; 5 years supervised release; \$100 special
 assessment
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a re-prosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☐ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

AUSA Stacey Geis

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
FILED
 DEFENDANT - U.S. **06 AUG -1 PM 2:50**

 Dwight Gilchrist **RICHARD W. WIEKING**
CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 DISTRICT COURT NUMBER
CR 06 0538**DEFENDANT****SI****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
 TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☐ WARRANT Bail Amount: no bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

**Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment*

Date/Time: _____

Before Judge: _____

Comments:

KEVIN V. RYAN (CASBN 118321)
United States Attorney

FILED

05 AUG -1 PM 2: 50

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

CR

06

0538

SI

Plaintiff,

v.

DWIGHT GILCHRIST, aka Michael
Colston, David Bangsberg, and Bruce
Gilchrist,

Defendant.

VIOLATIONS:

18 U.S.C. § 1344(1) & (2) – Bank Fraud;
18 U.S.C. § 656 – Embezzlement of Bank
Funds

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this information:

1. Wells Fargo Bank N.A. (“Wells Fargo Bank”), was a financial institution, within the meaning of 18 U.S.C. § 20, the deposits of which were insured by the Federal Deposit Insurance Corporation.

2. Defendant Dwight Gilchrist (“GILCHRIST”), also known as Michael Colston, David Bangsberg, and Bruce Gilchrist, resided at 5000 Scotia Avenue, Oakland, California and 2697 Fisher Avenue, Oakland, California. He worked at Wells Fargo Bank as a collector in the Overdraft Collections Unit.

INDICTMENT

1 THE SCHEME TO DEFRAUD WELLS FARGO BANK

2 3. Between, in or about March 1998 and December 2001, both dates being
3 approximate and inclusive, in the Northern District of California and elsewhere, the
4 defendant,

5 DWIGHT GILCHRIST,
6 aka Michael Colston, David Bangsberg, and Bruce Gilchrist,

7 did knowingly and intentionally execute and attempt to execute a material scheme and
8 artifice to defraud a financial institution, specifically, Wells Fargo Bank, and to obtain
9 monies and funds owned by and under the custody and control of a financial institution,
10 by means of materially false and fraudulent pretenses, representations, and promises, well
11 knowing that the pretenses, representations, and promises were materially false when
12 made.

13 A. The Scheme to Embezzle Funds from Wells Fargo Bank

14 4. It was part of the scheme to defraud that GILCHRIST, using the fictitious
15 name Michael Colston, an identity he created by using the social security number of
16 another person, applied for and received a job working in the Overdraft Collections Unit
17 at Wells Fargo Bank. Between on or about March 17, 1998, and March 23, 1998,
18 GILCHRIST added the name "Dwight Gilchrist" as an authorized account holder to at
19 least fourteen (14) Wells Fargo Bank accounts using the Wells Fargo Bank computer
20 system and Michael Colston's log-on identification code.

21 5. In or around March 1998, GILCHRIST, visited several Wells Fargo Bank
22 branch offices and withdrew money from nine of the fourteen accounts by presenting
23 identification showing that GILCHRIST was "Dwight Gilchrist" – an authorized account
24 holder for the various accounts.

25 6. Through this scheme, GILCHRIST defrauded Wells Fargo Bank of
26 approximately \$13,000.

27 ///

28 ///

B. The Check Kiting Scheme

7. It was also part of the scheme that GILCHRIST, when he was no longer an employee at Wells Fargo Bank, used his own name, along with two fictitious names “Bruce Gilchrist” and “David Daryl Bangsberg” – to open numerous bank accounts at Wells Fargo Bank. GILCHRIST created the two fake identities by using the Social Security numbers of other persons.

8. It was further part of the scheme that GILCHRIST made material misrepresentations to Wells Fargo Bank by creating checks from non-existent and closed accounts, forging the signatures of real persons whom he did not know onto these checks, and then presenting these fraudulent checks to Wells Fargo Bank for deposit. GILCHRIST deposited the fraudulent checks knowing that the checks would be returned because the bank accounts on which they were drawn either did not exist or were closed. GILCHRIST further knew that the signatures on the checks, which were presented to Wells Fargo Bank, were forged, and/or the endorsement was forged.

9. Within one to two days of depositing the fraudulent checks, GILCHRIST withdrew large amounts of money from the various Wells Fargo Bank accounts. Doing so left Wells Fargo Bank with inadequate time to process, and ultimately reject, the fraudulent checks. At the time he made the withdrawals, GILCHRIST knew that the Wells Fargo Bank account from which he made the withdrawals did not have adequate funds.

10. GILCHRIST defrauded Wells Fargo Bank of approximately \$130,000 by employing this scheme, which included, but was not limited to, conducting the following fraudulent transactions:

- a. On October 4, 1999, GILCHRIST opened Wells Fargo Bank account number 6013-423496 using the name of “Dwight Gilchrist”. Between February 28 and February 29, 2000, GILCHRIST deposited two forged checks, totaling approximately \$16,600.00. On February 29, 2000, GILCHRIST withdrew \$8,000 from the account. At the time of the

1 withdrawal, GILCHRIST knew that the account did not have sufficient
2 funds to cover the withdrawal. The two deposited checks were
3 subsequently returned by Wells Fargo Bank based on non-existent or closed
4 accounts.

5 b. On October 4, 1999, GILCHRIST opened Wells Fargo Bank account
6 number 0047-021753 using the name "Dwight Gilchrist." Between
7 February 28 and February 29, 2000, GILCHRIST deposited two forged
8 checks, totaling approximately \$16,400.00. On February 28 and February
9 29, 2000, GILCHRIST withdrew \$17,000 from the account. At the time of
10 the withdrawal, GILCHRIST knew that the account did not have sufficient
11 funds to cover the withdrawals. The deposited checks were subsequently
12 returned by Wells Fargo Bank based on closed accounts.

13 c. On September 28, 1999 GILCHRIST opened Wells Fargo Bank account
14 number 0592-768253 using the name "David Daryl Bangsberg." On
15 November 21, 2000, GILCHRIST deposited three forged checks, totaling
16 approximately \$5,800.00. On November 24, 2000, GILCHRIST withdrew
17 approximately \$5,900 from the account. At the time of the withdrawal,
18 GILCHRIST knew that the account did not have sufficient funds to cover
19 the withdrawal. The deposited checks were subsequently returned by Wells
20 Fargo Bank based on non-existent or unidentifiable accounts.

21 d. On November 17, 2000, GILCHRIST opened Wells Fargo Bank account
22 number 0117-927335 using the name "David Daryl Bangsberg." On
23 November 21, 2000, GILCHRIST deposited twelve checks, eleven of which
24 contained forged signatures, and one of which contained a forged
25 endorsement, totaling approximately \$19,500.00. Between November 21
26 and November 22, 2000, GILCHRIST withdrew approximately \$19,400
27 from the account. At the time of the withdrawal, GILCHRIST knew that
28 the account did not have sufficient funds to cover the withdrawals. The

1 deposited checks were subsequently returned by Wells Fargo Bank based on
2 non-existent or unidentifiable accounts.

3 e. On October 8, 1999, GILCHRIST opened Wells Fargo Bank account
4 number 0087-065835, using the name "Bruce Gilchrist." Between May 14
5 and May 17, 2001, GILCHRIST deposited five forged checks, totaling
6 approximately \$22,000.00. Between May 15 and May 17, 2001,
7 GILCHRIST withdrew approximately \$15,000 from the account. At the
8 time of the withdrawal, GILCHRIST knew that the account did not have
9 sufficient funds to cover the withdrawals. The deposited checks were
10 subsequently returned by Wells Fargo Bank based on non-existent or
11 unidentifiable accounts.

12 f. On March 19, 2001 GILCHRIST opened Wells Fargo Bank account
13 number 2017-649096, using the name "Bruce Gilchrist." Between May 14
14 and May 17, 2001, GILCHRIST deposited five forged checks, totaling
15 approximately \$22,000.00. Between May 15 and May 17, 2001,
16 GILCHRIST withdrew approximately \$12,000 from the account. At the
17 time of the withdrawal, GILCHRIST knew that the account did not have
18 sufficient funds to cover the withdrawals. The deposited checks were
19 subsequently returned by Wells Fargo Bank based on non-existent or
20 unidentifiable accounts.

21 g. On March 19, 2001 GILCHRIST opened Wells Fargo Bank account
22 number 2015-976285, using the name "Bruce Gilchrist." Between May 14
23 and May 17, 2001, GILCHRIST deposited five forged checks, totaling
24 approximately \$26,000.00. Between May 15 and May 17, 2001,
25 GILCHRIST withdrew approximately \$12,800 from the account. At the
26 time of the withdrawal, GILCHRIST knew that the account did not have
27 sufficient funds to cover the withdrawals. The deposited checks were
28 subsequently returned by Wells Fargo Bank based on closed, non-existent,

unidentifiable accounts, or for insufficient funds.

- h. On March 29, 2001 GILCHRIST opened Wells Fargo Bank account number 2017-969429, using the name "Bruce Gilchrist." Between May 14 and May 17, 2001, GILCHRIST deposited five forged checks, totaling approximately \$26,000.00. Between May 15 and May 17, 2001, GILCHRIST withdrew approximately \$15,000 from the account. At the time of the withdrawal, GILCHRIST knew that the account did not have sufficient funds to cover the withdrawals. The deposited checks were subsequently returned by Wells Fargo Bank based on non-existent or unidentifiable accounts.

COUNTS ONE THROUGH TEN: (18 U.S.C. § 656 – Embezzlement)

11. Paragraphs 1 through 10 are realleged as if fully set forth herein.

12. On or about the following dates, in the Northern District of California and elsewhere, the defendant,

DWIGHT GILCHRIST,
aka Michael Colston, David Bangsberg, and Bruce Gilchrist,

being an employee of Wells Fargo Bank, an insured bank, did knowingly embezzle, abstract, purloin, and willfully misapply monies, funds and assets belonging to and entrusted to the custody and care of said bank, in excess of \$1000, as set forth below:

Count	Approx. Date	Amounts Withdrawn	From Wells Fargo Account No.	To
ONE	March 18, 1998	\$750.00	6841-656168	Dwight Gilchrist
TWO	March 20, 1998	\$800.00	0290-967009	Dwight Gilchrist
THREE	March 21, 1998	\$900.00	0072-379167	Dwight Gilchrist
FOUR	March 21, 1998	\$900.00	0290-967009	Dwight Gilchrist
FIVE	March 21, 1998	\$900.00	6107-491235	Dwight Gilchrist
SIX	March 21, 1998	\$1,000.00	0285-721809	Dwight Gilchrist

Count	Approx. Date	Amounts Withdrawn	From Wells Fargo Account No.	To
SEVEN	March 21, 1998	\$1,850.00	0728-974544	Dwight Gilchrist
EIGHT	March 23, 1998	\$2,000.00	0290-967009	Dwight Gilchrist
NINE	March 23, 1998	\$2,000.00	0072-379167	Dwight Gilchrist
TEN	March 23, 1998	\$2,000.00	6107-491235	Dwight Gilchrist

All in violation of Title 18, United States Code, Section 656.

COUNTS ELEVEN THROUGH EIGHTEEN: 18 U.S.C. § 1344(1) & (2) (Bank Fraud)

12. Paragraphs 1 through 10 are realleged as if fully set forth herein.

13. Between in or around February 2000 and June 2001, in the Northern District of California and elsewhere, for the purpose of executing a material scheme to defraud Wells Fargo Bank, and to obtain monies and funds owned by and under the custody and care of said bank, the defendant,

DWIGHT GILCHRIST,
aka Michael Colston, David Bangsberg, and Bruce Gilchrist,

did cause the following transactions to occur:

Count	Wells Fargo Account No.	Date of Withdrawal	Amount Withdrawn
ELEVEN	6013-423496	February 29, 2000	\$8,000.00
TWELVE	0047-021753	February 28, 2000	\$8,750.00
THIRTEEN	0117-927335	November 22, 2000	\$9,500.00
FOURTEEN	0592-768253	November 24, 2000	\$5,900.00
FIFTEEN	2017-649096	May 15, 2001	\$5,000.00
SIXTEEN	2015-976285	May 15, 2001	\$5,000.00
SEVENTEEN	2017-969429	May 15, 2001	\$5,000.00
EIGHTEEN	0087-065835	May 15, 2001	\$5,000.00

1 All in violation of Title 18, United States Code, Section 1344.
2
3

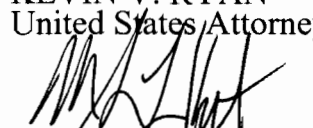
4 DATED:


A TRUE BILL.

5 8/1/06
6


7 FOREPERSON

8 KEVIN V. RYAN
9 United States Attorney

10 
11 MARK L. KROTOSKI
Chief, Criminal Division

12
13 (Approved as to form: 
14 AUSA GEIS
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